

UNITED STATES DISTRICT COURT

CLERK'S OFFICE U.S. DISTRICT COURT
AT ABINGDON, VA
FILED

for the

Western District of Virginia

FEB 02 2023

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Fleetwood "Boulder" Recreational Vehicle
Believed to be utilized by federal fugitive
Rocky Creed KELLYLAURA A. JUSTIN, CLERK
BY:  DEPUTY CLERK

Case No. 1:23mj 00012

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Fleetwood "Boulder" Recreational Vehicle to be searched for fugitive Kelly. The recreational vehicle is parked at the Deer Trail Park Campground, Inc., located in Wytheville, Virginia. See Attachment B.

located in the Western District of Virginia, there is now concealed (identify the person or describe the property to be seized):

Rocky Creed KELLY (DOB: 12/10/1987), Federal Fugitive wanted in the Northern District of Georgia, Gainesville division for Failure to Appear for trial. See Attachment C.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

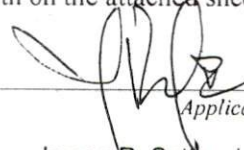
18 U.S.C. sec. 3146

FAILURE TO APPEAR

The application is based on these facts:

Please see attachment A.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature


James R. Satterwhite, III Deputy US Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/02/2023

City and state: Abingdon, Virginia


Judge's signature

Honorable Pamela M. Sargent, US Magistrate Judge

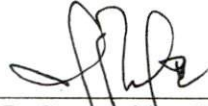
Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

Attachment A


- (1) I, James R. Satterwhite, III, do hereby swear and depose the following:
- (2) I am a Deputy United States Marshal of the United States Marshals Service (USMS) and have been so employed since October 2005 and assigned to the Western District of Virginia, Abingdon Division. I am a graduate of the Federal Law Enforcement Training Academy and the USMS Basic Deputy and Investigator Academy. In my capacity as a Deputy United States Marshal, I am educated in Federal and State Criminal Law, and I'm responsible for enforcing the same pursuant to the United States Constitution, Federal Criminal Code, and the Criminal Code of the Commonwealth of Virginia. The USMS is an agency of the Executive Branch of the United States government and is charged with apprehending fugitives from justice.
- (3) On July 08, 2020, Rocky Creed KELLY was indicted by a federal grand jury in the Northern District of Georgia, Gainesville division, charged with the receipt, possession, and distribution of child pornography. While awaiting trial, KELLY was released to pre-trial supervision, which included an ankle monitor. However, the monitor lacked global positioning system capabilities.
- (4) On September 12, 2022, the Honorable Judge Steve Jones commenced the trial of KELLY, in the U.S. District Courthouse, located in Gainesville, Georgia. Having initially appeared for trial, KELLY failed to return to court on September 14, 2022. Per United States Probation and information received from KELLY's ankle monitor, the subject left his home in Georgia on the morning of September 14, 2022, at 5:41 a.m., and, to date, he is a fugitive. Subsequently, the trial continued in his absence, and he was found guilty later this date of the above-noted offense. Further, an arrest warrant was issued for KELLY in the Northern District of Georgia, charging him with failure to appear and violating his bond conditions.
- (5) During the investigation, information was obtained from a reliable confidential source. The confidential source indicated that the confidential source knew the father of fugitive Rocky Kelly, Mr. Hobart Kelly, and that Mr. Hobart Kelly was in contact with Mr. Hobart Kelly's son, Rocky Kelly, who was using telephone number 828-575-4085 and the alias "Vincent McGregor."
- (6) Further, the reliable confidential source explained that the fugitive had obtained a vehicle, being a white Pontiac Torrent, registration RUV2342. Agents ran the aforementioned tag/registration through a commercial license plate reader system and found that the system had activated in Wytheville, Virginia (located in the Western District of Virginia) on January 6, 2023, at 12:18 p.m. The photograph connected with such activation shows the license tag displayed on the white Pontiac Torrent, consistent with the information provided by the confidential source.

- (7) On Monday, January 30, 2023, the reliable confidential source also told law enforcement that Rocky KELLY has moved, or is moving, to the Wytheville, Virginia area. Given this information from the confidential source and the information returned from the license plate reader system, I believe that fugitive Rocky KELLY is present in this District.
- (8) In relation to the reliability of the confidential source, Agents of the Department of Homeland Security, working on this investigation, and members of the Georgia Bureau of Investigation ("GBI"), articulate that the source is a vetted GBI informant who has provided reliable information on multiple occasions in the past, which information was found to be truthful and accurate. The informant is also a close associate of Mr. Hobart Kelly, the father of the fugitive.
- (9) On February 01, 2022, the USMS, Northern District of Georgia, requested assistance of the USMS, Western District of Virginia, Abingdon division, as it pertains to fugitive KELLY. USMS N.D. Georgia provided that KELLY is believed to be utilizing a Fleetwood "Boulder" Recreational Vehicle (RV) to reside. USMS N.D. Georgia further conveyed that this vehicle was/is likely registered to the fugitive's mother, Constance Kelly.
- (10) Further information provided by law enforcement in Georgia is that KELLY, using the alias "Vinny McGregor," utilized the "Glass Doctor," a Wytheville-based window repair business, in December 2022. The investigation has revealed that KELLY had a windshield repaired on a 2007 Pontiac Torrent. Unfortunately, no further information was known by the business.
- (11) On February 2, 2023, law enforcement located and initiated surveillance of the RV, which is currently parked at lot C11 at the Deer Trail Park Campground in the Wytheville area of Virginia, which is in the Western District of Virginia. During the surveillance, law enforcement, including members of the USMS, have confirmed that the RV is registered to KELLY's mother, Constance Kelly. In addition, the owner of the campground confirmed that Rocky KELLY recently paid, in person, for the campsite where the RV is currently situated. Finally, the Pontiac Torrent described above was observed parked next to the RV, which appears to be the parking spot associated with the RV's location at the campground. A photograph of said RV, taken February 2, 2023, is attached to this affidavit.
- (12) Based on the facts and information presented above, it is respectfully requested that a search warrant be issued for the Fleetwood "Boulder" RV noted above, as it pertains to the current fugitive investigation of Rocky Creed KELLY.



James R. Satterwhite, III
Deputy United States Marshal

SWORN AND SUBSCRIBED TO BEFORE ME
THIS 2nd DAY OF February, 2023.



HONORABLE JUDGE PAMELA MEADE SARGENT
UNITED STATES DISTRICT COURT IN THE
WESTERN DISTRICT OF VIRGINIA

Reviewed by: Whitney D. Pierce, AUSA

Attachment B

Place to Be Searched

The Fleetwood "Bounder" Recreational Vehicle parked at lot C11 at the Deer Trail Park Campground in Wytheville, Virginia. The following is a photograph of the Recreational Vehicle:



Attachment C

Items to be Searched for and Seized

1. Rocky Creed KELLY, who is currently a fugitive.